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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on minority issues, Rita Izsák

Comprehensive study of the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti-Gypsyism*

Summary

The present report provides an overview of the human rights situation of Roma worldwide, applying a minority rights-based approach to the protection and promotion of the rights of Roma, including the protection of their existence; the prevention of violence against Roma; the protection and promotion of Roma identity; the guarantee of the rights to non-discrimination and equality, including combating racism, anti-Gypsyism and structural discrimination; and the guarantee of the right of Roma to effective participation in public life, especially with regard to decisions affecting them. Drawing on the responses to her questionnaire, the Special Rapporteur on minority issues provides an overview of trends in State practice, highlighting positive developments as well as challenges.

* The annexes to the present report are circulated as received.

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I. Introduction

1. The Special Rapporteur on minority issues submits the present report in accordance with Human Rights Council resolution 26/4, in which the Council invited her to prepare a comprehensive study of the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti-Gypsyism. Adopting a consultative approach, she liaised with numerous international and regional organizations, Roma rights experts and non-governmental organizations (NGOs). The Special Rapporteur thanks all those who shared information with her, including the Member States and national human rights institutions that responded to her questionnaire (see annexes), the Office of the United Nations High Commissioner for Human Rights Regional Office for Europe, and the United Nations network on racial discrimination and protection of minorities.

II. Overview of the situation of Roma worldwide

A. Roma populations around the world

2. The term "Roma" refers to heterogeneous groups, the members of which live in various countries under different social, economic, cultural and other conditions. The term Roma thus does not denote a specific group but rather refers to the multifaceted Roma universe, which is comprised of groups and subgroups that overlap but are united by common historical roots, linguistic communalities and a shared experience of discrimination in relation to majority groups. "Roma" is therefore a multidimensional term that corresponds to the multiple and fluid nature of Roma identity.

3. According to the principles of international law, including article 27 of the International Covenant on Civil and Political Rights, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (the Declaration), and general comment No. 23 (1994) of the Human Rights Committee, minority identity does not depend on recognition by a State, but rather on individual self-identification. The Special Rapporteur, therefore, uses the term Roma to include all groups that self-identify as such, and also includes those who self-identify as Sinti, Kale, Travellers or Gypsies.

4. Although theories as to why the ancestors of today's Roma emigrated from India a millennium ago are beyond the scope of the present report, it is important to note that Roma have dispersed worldwide. There are, however, no official or reliable statistics on the global Roma population.

5. The largest and most visible Roma minority is European Roma, whose presence in Europe dates back to the fourteenth century. Today, there are approximately 11 million European Roma, with 6 million estimated to be residing within the 27 European Union member States.

6. European Roma, as the largest ethnic minority in the region, is the most visible Roma population worldwide; the severe discrimination and marginalization its members continue to experience has been widely reported.[1] However, little comprehensive research

[1] See, inter alia, http://fra.europa.eu/en/theme/roma, www.coe.int/en/web/portal/roma, http://ec.europa.eu/justice/discrimination/roma/index_en.htm, www.osce.org/odihr/roma, and www.romadecade.org. See also NGO reports, inter alia, Amnesty International, "Europe: Human rights here, Roma rights now: A wake-up call to the European Union", 4 April 2013, available from

has been carried out on the situation of Roma outside Europe. The Special Rapporteur on minority issues has therefore taken the opportunity to report on the severe socioeconomic marginalization that Roma experience worldwide.

7. In Turkey, data indicates that the Roma population ranges from 500,000 to 5 million.[2] In Ukraine, 47,600 persons identified themselves as Roma, according to 2001 census data, yet the Council of Europe estimates there are between 120,000 and 400,000 Ukrainian Roma. In Belarus, the 2009 census indicated a population of 7,316 Roma, but the Government recognizes that that number does not necessarily reflect the true figure, which ranges between 50,000 and 60,000.[3] The 2010 census in the Russian Federation estimated that there was a population of 205,007 Russian Roma, although Council of Europe data suggest a larger population of between 450,000 and 1.2 million.

8. Roma groups in Latin America have been arriving from Europe since the beginning of European colonization there, as well as during ongoing migration processes. Despite the lack of official census data, a 1991 study by the United Nations Educational, Scientific and Cultural Organization estimated the Roma population in the region to be approximately 1,500,000. Recent government data indicates a population of over half a million Roma in Brazil.[4]

9. It is generally accepted that approximately 1 million Roma live in North America today; however that data is incomplete, as the census in the United States of America does not include Roma as a category. Furthermore, although the Canadian census includes "Other European Origins" — "Roma (Gypsy)", there is a discrepancy between official census data, which in 2011 indicated a Roma population of 5,255, and unofficial estimates which indicate a Roma population of upwards of 110,000.

10. Roma groups are also present in Central Asian countries, where they are known collectively as *Lyuli*. While those groups are distinct from American and European Roma, they share the experience of exclusion and marginalization from local majority populations.[5] Due to a lack of up-to-date data, there are no precise figures on the number of Roma in Central Asia.[6]

11. The Dom is an ethnic minority in the Middle East that shares similarities with Roma; its presence in the region dates back to the eleventh century. There is scant official information on the number of Roma in that region. Unofficial estimates indicate there may be significant populations in Egypt, the Islamic Republic of Iran, Iraq, Israel, Jordan, Lebanon, the Occupied Palestinian Territory and the Syrian Arab Republic.[7]

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www.amnesty.org/en/documents/EUR01/002/2013/en/; Bernard Rorke, *Beyond First Steps: What Next for the EU Framework For Roma Integration* (Budapest, Open Society Foundation, Roma Initiatives Office, 2013); and thematic reports by the European Roma Rights Center, available from www.errc.org/resource-centre.

[2] Council of Europe, *Estimates on Roma population in European countries*, 2012. Available from http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008ea69.

[3] Response from Belarus to the questionnaire.

[4] See www.seppir.gov.br/comunidades-tradicionais/relatorio-executivo-brasil-cigano-1.

[5] See CERD/C/UZB/CO/8-9, para. 11; CRC/C/KGZ/CO/3-4 paras. 18, 25 and 55; CERD/C/UJK/CO/6-8, para. 13; and A/HRC/13/23/Add.1, para. 41.

[6] Response from Uzbekistan to the questionnaire.

[7] The few resources on the Dom in the Middle East include: Minority Rights Group, *From Crisis to Catastrophe: the situation of minorities in Iraq* (2014); Terre des Hommes, *A Child Protection Assessment: The Dom People and their Children in Lebanon* (2011); International Labour Organization (ILO), United Nations Children's Fund (UNICEF), Save the Children International and

B. Anti-Gypsyism and discrimination against Roma: a global phenomenon

12. While the Special Rapporteur is aware that the reasons for the marginalization of Roma are complex, she insists that an overarching factor is the deeply embedded social and structural discrimination Roma face worldwide, including anti-Gypsyism. Anti-Gypsyism has been defined by the Council of Europe as "a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination".[8] Anti-Gypsyism therefore includes strong anti-Roma prejudices and stereotypes, including those that lead to labelling Roma communities as criminal, aggressive, or as "parasites" on welfare systems. The Special Rapporteur welcomes recent European Union recognition that anti-Gypsyism constitutes a major obstacle to overcoming Roma disadvantage and marginalization.

13. Although anti-Gypsyism is originally a European term, the discrimination it embodies manifests itself in a variety of ways across regions. In Latin America, discrimination against Roma was imported with European migration, and negative stereotypes remain present today, with reports that many Roma do not speak Romani in public for fear of discrimination or reprisal. In their concluding observations, the Human Rights Committee and the Committee on the Elimination of Racial Discrimination have noted their concerns about the widespread occurrence of offences of discrimination against Roma in Brazil, including racist crimes, and the lack of application of relevant domestic legal provisions in cases involving Romani victims (CCPR/C/BRA/CO/2, para. 20; CERD/C/64/CO/2, para. 17).

14. The Dom of the Middle East are among the most marginalized people in the Arab world and suffer from widespread negative perceptions and stigma. The Dom are often labelled as *nawar*, an Arabic insult that evokes selfishness, stinginess, dirtiness and chaos.[9]

15. In its concluding observations on the fifth periodic report of the Russian Federation, the Committee against Torture noted its concern about persistent reports of discrimination, violent attacks and abuses against Roma on the basis of their identity (CAT/C/RUS/CO/5, para. 15). United Nations human rights monitoring mechanisms have repeatedly noted the marginalization of Roma in Belarus.[10] In its concluding observations, the Committee on the Elimination of Racial Discrimination has noted that Roma suffer from widespread social stigma and discrimination Tajikistan and Uzbekistan (CERD/C/TJK/CO/6-8, para. 13; CERD/C/UZB/CO/8-9, para. 11).

16. Many Roma in North America also face stigma and prejudice that originated in and are perpetuated by limited knowledge of Romani culture or history, or of the persecution Roma faced during and after the Nazi regime.[11]

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the Ministry of Labour of Lebanon, *Children living and working on the streets in Lebanon: profile and magnitude* (2015).

[8] See www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N13/e-RPG%2013%20-%20A4.pdf.

[9] Terre des Hommes, *A Child Protection Assessment*, p. 31.

[10] See E/C.12/BLR/CO/4-6, para. 27; A/HRC/15/16, para. 98.14; CERD/C/65/CO/2, para. 10; CERD/C/BLR/CO/18-19, para. 16; and A/HRC/4/16, para. 50.

[11] Ian Hancock, "Roma: Explaining Today Through History". Keynote address at the Uppsala International Conference on the discrimination, marginalization and persecution of Roma, 2013. Available from www.valentin.uu.se/aktuellt/meddelanden/Enskildanyheter/slutkonferens/.

III. Essential elements of a minority rights-based approach to protection of Roma worldwide

17. The Special Rapporteur welcomes the present report as an opportunity for her to address the situation of Roma globally through a minority rights lens, using the four pillars of minority rights: (a) the protection of a minority's existence, including combating violence against them and preventing genocide; (b) the protection and promotion of the identity of minority groups and their right to enjoy their collective identity and to reject forced assimilation; (c) the guarantee of the rights to non-discrimination and equality, including the ending of structural or systemic discrimination and the promotion of affirmative action when required; and (d) the right to effective participation in public life and decisions that affect them.

18. The present report should be seen as complementary to the work undertaken by many other United Nations mechanisms. That includes the previous work carried out under the mandate of the Special Rapporteur on minority issues, in the form of thematic reports, country reports, communications and press releases.[12] It also includes the work of other special procedures mandate holders, including the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who has reported on the causes and consequences of racism against Roma (see, for example, A/HRC/17/40, paras. 5–25, and A/HRC/26/50) and regularly addresses challenges facing Roma in country reports (see, for example, A/HRC/23/56/Add.2, A/HRC/20/33/Add.1, and A/HRC/7/19/Add.2); the Special Rapporteur on the human right to safe drinking water and sanitation, who made important recommendations regarding Roma in her report on stigma (A/HRC/21/42) and in relevant country reports (see, for example, A/HRC/18/33/Add.2) and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (see, for example A/HRC/16/42/Add.2, paras. 51–56, and A/HRC/25/54/Add.2, paras. 69–71 and 74–75), among others. She also notes the role the United Nations treaty bodies have played in highlighting discrimination against Roma, particularly the Committee on the Elimination of Racial Discrimination in its general comment No. 27 (2000) on discrimination against Roma. Roma have also featured prominently in the universal periodic review of States before the Human Rights Council. The Special Rapporteur refers to her recently published review of minority issues in the first cycle of the universal periodic review, which highlighted that over 25 per cent of all minority rights recommendations in the review referred to the situation of Roma.[13] Despite that important work, the Special Rapporteur nevertheless believes that the full capacity of the United Nation is not yet being used by Roma rights advocates. The United Nations should be seen as a core Roma rights partner whose work can complement other mechanisms. She hopes that the present report will contribute to such an approach.

[12] See the Special Rapporteur's thematic reports on citizenship (A/HRC/7/23), hate speech and incitement to hatred against minorities in the media (A/HRC/28/64), and ensuring the inclusion of minority issues in post-2015 development agendas (A/HRC/25/56). See also the reports of the Special Rapporteur's missions to France (A/HRC/7/23/Add.2), Greece (A/HRC/10/11/Add.3), Bulgaria (A/HRC/19/56/Add.2 and Corr.1), Hungary (A/HRC/4/9/Add.2), Ukraine (A/HRC/28/64/Add.1), and Bosnia and Herzegovina (A/HRC/22/49/Add.1). See also press releases, available from www.ohchr.org/EN/Issues/Minorities/IExpert/Pages/PressRoma.aspx.

[13] See www.ohchr.org/Documents/Issues/IEMinorities/MinoritiesIssuesIsteyelel/PRProcess.pdf, pp. 15–18.

A. Pillar 1: protection of existence and prevention of violence against minorities

19. The Special Rapporteur remains concerned that globally there is little awareness that Roma were targeted by the Nazi regime and were subjected to arbitrary internment, forced labour and mass murder. Together with the Special Adviser of the Secretary-General on the Prevention of Genocide, she has called for stronger measures to keep the memory of the Roma Holocaust — referred to as *Porrajmos* or *Pharrajimos* in the Romani language — alive, and to enable survivors and others to mark it in a recognized, dignified manner.[14] The Special Rapporteur also notes that violence against Roma is not only an historical circumstance but remains a current reality for many Roma communities. Therefore, Governments must remain vigilant and take appropriate measures against signs of hatred and stigmatization.

20. In 2014, Amnesty International reported that harassment and intimidation of Roma individuals and communities in Europe continued to be widespread.[15] One of the most tragic manifestations of hatred against Roma was the serial murder of six randomly selected Roma people, including a five-year-old boy, in Hungary in 2008 and 2009. Roma are reportedly at higher risk of being subjected to violence in other regions too. In Iraq, the Dom are allegedly targeted, their villages reduced to rubble and the residents slaughtered by militants opposed to their religious and cultural traditions. Roma women in Iraq are also reported to be severely exposed to sexual violence and a heightened risk of exploitation.[16]

21. Roma are also vulnerable to violence by State actors, which can be both explicit and implicit. The Special Rapporteur is concerned about police harassment, intimidation and abuse. Empirical studies indicate that Roma are overrepresented in the criminal justice systems across Europe, with research indicating that they are often detained arbitrarily on account of their Roma identity.[17] The lack of a visible Roma presence in police forces and judiciaries compounds that problem.

22. The Special Rapporteur also remains concerned by the failure of public authorities to protect Roma from violent attacks. That includes the lack of systematic intervention and condemnation by public figures when political and public discourse perpetuates racist and extreme views about Roma, and the failure of law enforcement authorities to protect Roma from the perpetrators of crimes against them.[18] For example, a violent police crackdown on a Roma community in Slovakia in 2013 was condemned by a number of special procedures mandate holders,[19] the United Nations High Commissioner for Human Rights,[20] and the country's Ombudswoman. Nevertheless, the Minister of the Interior of Slovakia publically labelled the Roma victims of that intervention as criminals, and investigation into the police misconduct has been slow, with no charges brought against the police to date.[21] Such failures by authorities to protect Roma adequately and to distance themselves from all

[14] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14917&LangID=E#sthash.bigIt871.dpuf.

[15] Amnesty International, *"We ask for justice" Europe's failure to protect Roma from racist violence* (London, Amnesty International, 2014).

[16] Minority Rights Group, *From Crisis to Catastrophe* (see note 7 above). Interview with a representative of Minority Rights Group in Iraq.

[17] See, for example, A/HRC/27/48/Add.2, para. 117, A/HRC/10/21/Add.5, para. 67, and A/HRC/27/48/Add.4, paras. 118–121.

[18] Amnesty International, *"We ask for justice"* (see note 15 above), p. 6.

[19] See A/HRC/25/74, p. 60.

[20] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13687&LangID=E.

[21] Response from the national human rights institution of Slovakia to the questionnaire.

manifestations of anti-Gypsyism not only promote a climate of distrust, dissuading Roma from reporting violent crimes against them to authorities, but also create an atmosphere of impunity and may encourage further acts of violence against Roma.

B. Pillar 2: protection and promotion of Roma identity

23. The protection and promotion of Roma identity means that States have the obligation not only to protect Roma from forced assimilation,[22] but must adopt positive measures that promote the distinctive characteristics of Roma culture, including language, history and tradition. That should be achieved through financial and technical assistance to preserve the Romani language, art, poetry, dance, music and traditions, including their promotion through the media. Roma history and the cultural contribution of Roma must also be recognized and taught in school curricula. In that regard, Roma must be given opportunities for self-interpretation and self-representation.

24. Nevertheless, across the regions, negative stereotypes of Roma persist, describing them as criminal, unworthy, unclean or aggressive. The Special Rapporteur has explained how hate speech, including negative stereotyping of Roma, is widespread in the media, including social media, and in public political discourse, and how Roma rarely have access to media or other means necessary to challenge those perceptions.[23] Hate speech is not only a denigration of Roma identity, but impacts negatively on Roma community members' sense of inclusion in the national psyche. The Special Rapporteur therefore understands a key aspect of pillar 2 to include addressing hate speech through systematic intervention and condemnation.

25. In the context of her global study, she also wishes to draw attention to incidents of negative stereotyping of Roma outside Europe. For example, in Argentina, a now discontinued television series, *Soy Gitano*, focused on so-called "Gypsy crime". Although the Roma community in Argentina denounced the soap opera to the National Institute to Combat Discrimination, Xenophobia and Racism, the complaint was dismissed on the grounds that the series was fictional. A similar complaint was filed before the Canadian Broadcast Standards Council following a show which contained strong discriminatory statements towards Roma refugees in Canada. As a result of the complaint, the network removed the video from their web page and issued an apology. The misrepresentation of Roma in the media in Turkey was exemplified by a popular television series, *Cennet Mahallesi*, which presented highly stereotypical depictions of Roma. In the United States of America, a reality television programme entitled *My Big Fat American Gypsy Wedding*, a spin-off of a show of the same name in the United Kingdom of Great Britain and Northern Ireland, continues to be broadcast today. Both versions have been criticized for their stereotypical approach and for misrepresenting Roma culture.

26. Beyond misrepresentation in the media, there are also State-sanctioned communications vilifying Roma. In August 2011, a Russian newspaper published an article called "Be careful!", signed by an employee of the Ministry of the Interior, advising readers to be extremely vigilant when dealing with Roma, not to enter into contact with them in order to avoid psychological pressure on their part and never to invite them home. The article also recommended that readers should immediately contact the police if they spotted a suspicious Gypsy.[24] In 2013, the Governor's Office in Bursa, Turkey, issued an

[22] See E/CN.4/Sub.2/AC.5/2005/2, para. 21.

[23] See A/HRC/28/64.

[24] See http://adcmemorial.org/wp-content/uploads/SOVA_ADCM-IPHR_FIDH_RussianFederation_CERD82.pdf, p. 33.

official report on the situation of Roma in the city, using denigrating language and likening Roma to criminals.[25]

27. The Special Rapporteur is also concerned about discriminatory stereotypes and hate speech against Roma women, including depictions of them as particularly fertile or promiscuous, which expose them to different forms of gender-based violence, including forced sterilization.[26] To avoid exposing Roma women to abuse, sterilization procedures must be based on clear legal provisions which ensure full, free and informed consent.

C. Pillar 3: equality and non-discrimination

28. The substandard living conditions of Roma in Europe are well-documented.[27] Between 70 and 90 per cent of Roma report living in conditions of severe material deprivation. Exclusion from formal schooling remains widespread throughout Europe. Even in those countries where a majority of Roma children complete primary school, most do not obtain either a vocational certificate or a secondary qualification.[28] In South-Eastern Europe, the participation of Roma in education beyond primary school is dramatically lower than that of the majority population, with only 18 per cent of Roma attending secondary school compared to 75 per cent of the majority community, and less than 1 per cent of Roma enrolled in university.[29] Regarding health, European Roma are disproportionately unvaccinated, have poorer than average nutrition and experience higher rates of infant mortality and tuberculosis. Life expectancy among European Roma communities is reportedly significantly lower than among non-Roma communities.[30] Similar marginalization exists with regard to employment. In 12 surveyed European Union countries, fewer than one out of three Roma were reported to be in paid employment.[31] The Special Rapporteur welcomes the commitment of the European Commission to start infringement proceedings in cases in which European Union member States are not meeting their commitments under the Racial Equality Directive, and emphasizes that the Commission should more actively pursue that in order to secure better outcomes for European Union Roma.

29. Outside Europe, research indicates that Roma face similar challenges. Living conditions in the Roma villages in central and southern Iraq are reportedly among the most deplorable in the country. Many Roma live in windowless mud houses without electricity, clean water, health care or adequate food, and are cut off from social security services. In Brazil, many Roma settlements reportedly have no electricity and lack access to safe drinking water and sanitation, despite the fact that some families have been living there for over 20 years.

30. Access to education continues to be a major obstacle for all Roma. The Government of Argentina has recognized the high levels of illiteracy and school dropout of Roma children.[32] In Brazil, official data on literacy and/or school attendance of Roma children are

[25] See www.errc.org/cms/upload/file/ec-progress-report-turkey-2014.pdf, p. 6.

[26] See A/HRC/24/21, p. 17, and www.who.int/reproductivehealth/publications/gender_rights/eliminating-forced-sterilization/en/, pp. 4–5.

[27] See http://fra.europa.eu/en/publication/2011/housing-conditions-roma-and-travellers-european-union-comparative-report.

[28] See http://fra.europa.eu/en/publication/2012/situation-roma-11-eu-member-states-survey-results-glance.

[29] See www.unicef.org/ceecis/UNICEF_ROE_Roma_Position_Paper_Web.pdf, p. 16.

[30] See http://ec.europa.eu/health/social_determinants/docs/2014_roma_health_report_en.pdf.

[31] See http://fra.europa.eu/en/publication/2012/situation-roma-11-eu-member-states-survey-results-glance.

[32] Responses from Argentina and the national human rights institution of Argentina to the questionnaire.

lacking, but civil society organizations reported that very few Roma children living in camps have ever been to school, and estimate that 90 per cent of the Roma living in camps in Curitiba city are illiterate. Prejudice has also been identified as an obstacle for accessing public schools in Brazil, where Roma children are reportedly not given the chance to enrol on the pretext of a lack of space. A representative of the United Nations Children's Fund (UNICEF) has emphasized that teachers' biased attitudes towards *Lyuli* children in Central Asia may result in violence at school. The illiteracy rate among Iraqi Roma is very high and many Roma children there are forced to take on irregular jobs or resort to begging. In Lebanon, 68 per cent of school-aged children reportedly do not attend school because of significant obstacles such as discrimination, legal and economic barriers, leading to street labour becoming a significant trend among Dom children.[33]

31. Roma face significant discrimination at all stages of access to labour markets, and the rate of unemployment among Roma is often high. When they do have access to labour markets, they are often offered short-term or low-skilled employment and are subject to prejudice. In Azerbaijan, for 90 per cent of Roma families living in the Nasiminskiy and Suraxani districts of Baku and from the Yevlakh region, begging is their main livelihood. In Belarus, only 9 per cent of Roma are employed.[34] Central Asian Roma are reported to survive in conditions of poverty and deprivation, forced into begging and a semi-nomadic lifestyle. In 2004, the unemployment rate among the more than 3,500 Mugat Roma living in the Osh region of Kyrgyzstan was 90 per cent.[35] In Lebanon, Dom communities often work in the informal sector or are engaged in unskilled labour, and monthly family income levels among the Dom are extremely low.[36]

32. The Special Rapporteur regrets the lack of comprehensive health indicators and the scarce evidence, including information on reproductive, maternal and child health, for assessing the health situation of Roma outside Europe. Poverty, lack of identification documents and lack of transportation from remote areas to health-care facilities all impact on Roma health, which can be compounded by poor living conditions, such as living in proximity to garbage dumps or polluted rivers. Factors precluding Roma access to health care across the regions include Roma patients being refused medical treatment, having no access to emergency services, being subject to verbal abuse, or being segregated in hospital facilities.[37] Furthermore, lack of access to health care may result from indirect discriminatory practices when Roma have to provide identity or residency documents in order to register and qualify for health-care benefits.

33. The Special Rapporteur also draws attention to particular groups of Roma who may be victims of multiple and intersecting forms of discrimination. While many Roma migrate for the full range of reasons that all persons chose to migrate, including to seek new opportunities, the poverty Roma experience in their countries of origin, as well as racism, discrimination and marginalization, are often important push factors. Moreover, once in a destination country, Roma migrants often experience discrimination on multiple grounds, including as Roma and as migrant non-citizens. In that regard, the Special Rapporteur expresses concern about the targeted expulsions of Roma migrants, sometimes undertaken without their free, full and informed consent, including to countries where they are likely to face discrimination. In 2010, about 8,000 Roma were reportedly expelled from France, and

[33] ILO and others, *Children living and working on the streets in Lebanon* (see note 7 above), p. 64.
[34] Response from Belarus to the questionnaire.
[35] See www.fidh.org/IMG/pdf/ADC_ADCM_FIDH_Russianfederation_CESCR46.pdf, p. 35.
[36] Terre des Hommes, *A Child Protection Assessment* (see note 7 above), p. 8.
[37] See www.euro.who.int/__data/assets/pdf_file/0006/115485/E94018.pdf, p. 227.

cases of the expulsion of Roma from Denmark, Germany, Italy and Sweden were also reported at that time.[38]

34. Roma women and girls may also be vulnerable to multiple, intersecting forms of discrimination and to violence, including gender-based violence and trafficking. Roma women are also allegedly stereotyped as promiscuous, which exposes them to a heightened risk of exploitation and sexual and gender-based violence.

35. Internally displaced persons (IDPs) of Roma origin experience specific challenges in accessing basic rights, including housing, land and property, water and sanitation, health services, employment, education and participation in public and political life. During the ongoing conflict in Ukraine, Roma IDPs have been increasingly marginalized and have limited access to even the most basic services.[39] The Special Rapporteur on the human rights of internally displaced persons reported in 2014 that Roma in the Balkans were among the region's most vulnerable IDPs.[40]

36. Statelessness also disproportionately affects Roma, who despite being born in or having long-standing ties to a country, speaking the local language and having no other country of citizenship, often have no access to nationality.[41] Lack of documentation also hampers not only Roma political participation, but also access to services, thereby reinforcing the vicious circle of poverty and marginalization. An NGO report to the Committee on Economic, Social and Cultural Rights on Ukraine indicated that up to 40 per cent of Roma in the Odessa region lack at least one of the documents necessary to access a range of services.[42] In the Russian Federation, lack of personal documentation prevents Roma from accessing employment, social allowances and health care, and from voting or accessing education in some schools due to discriminatory practices of school authorities.[43] In 2004, the Committee on the Elimination of Racial Discrimination expressed concern about allegations concerning discrimination faced by Roma with regard to birth registration and access to schools for their children in Brazil.[44]

D. Pillar 4: the right to effective participation

37. The effective and meaningful participation of Roma in the political arena is a pivotal element in breaking the vicious cycle of stigma, discrimination and marginalization. The right to effective participation is affirmed in article 25 of the International Covenant on Civil and Political Rights,[45] and reiterated in the Declaration (arts. 2, 4 (5) and 5 (1)). The commentary to the Declaration further establishes that the right to participate in all aspects of the life of the larger national society is essential, both in order for persons belonging to minorities to promote their interests and values and to create an integrated but pluralist society based on tolerance and dialogue (E/CN.4/Sub.2/AC.5/2005/2, para. 35).

38. Despite those clearly defined international standards, Roma remain underrepresented or not represented in the public administrations, institutions and political parties of many

[38] See A/HRC/17/40 para. 20.
[39] See A/HRC/28/64/Add.1 and www.ohchr.org/Documents/Countries/UA/9thOHCHRreportUkraine.pdf.
[40] See A/HRC/26/33/Add.2, para. 20.
[41] See A/HRC/23/46/Add.3.
[42] See www.errc.org/cms/upload/file/ukraine-cescr-march-2014.pdf.
[43] See CERD/C/RUS/CO/19, p. 9.
[44] See CERD/C/64/CO/2, para. 17.
[45] See also Human Rights Committee, general comment No. 25 (1996), para. 5.

States within Europe.[46] The Special Rapporteur has found that no comparable studies or research have been conducted in other regions, nor did she receive relevant information from non-European States. Without information to the contrary, and given their marginalized status, she can only infer that Roma outside Europe experience comparable, if not heightened, political exclusion.

39. Roma may be intentionally or de facto restricted from participation. Barriers include the lack of political will to dismantle structural discrimination, including the persistence of negative stereotypes assuming that Roma have no interest and no skills for engaging in politics.

40. Exclusion from public and political life must therefore be seen as both a cause and a consequence of the lack of enjoyment of economic and social rights, including lack of education opportunities, poverty, substandard living conditions and language barriers. The Special Rapporteur also underlines how the widespread fragility of Roma individuals' legal status impedes political participation. For example, in the Middle East, some Dom individuals are reportedly unable to pay hospital fees when their children are born, so no birth certificate is issued and the possibility of securing citizenship is denied.

IV. Positive developments

41. The Special Rapporteur notes that, due to the scant or total lack of information received from countries outside Europe, it was difficult for her to provide a balanced assessment of initiatives regarding Roma programmes across the regions. Nevertheless, she attempts to highlight some key examples using the pillar framework.

A. Pillar 1: preventing and addressing violence against Roma

42. Although not all European States officially recognize 2 August as the International Day of Commemoration in Memory of the Victims of the Holocaust, the Special Rapporteur is pleased that the European Parliament has recently adopted a resolution on recognition of the memorial day of the Roma genocide during the Second World War and that that many States are moving in that direction.[47] In order to better recognize the victims of the Roma genocide and to improve understanding of the situation of the Roma in Sweden, in 2014 the Government published a white paper highlighting abuses and rights violations of Roma throughout the twentieth century and showing the negative stereotyping and discrimination they continue to face.

43. In 2014, ternYpe, the International Roma Youth Network, and its partners organized a conference and youth event gathering 1,000 people from 25 countries to raise awareness among young Europeans, civil society and decision makers about the Roma Holocaust, as well as about anti-Gypsyism in the context of racism, hate speech and extremism in Europe.

44. The European Commission programme, Strategies for Effective Police Stop and Search project was designed to improve police-minority relations through more accountable use of policing power. It has been implemented with police and Roma in Bulgaria, Hungary and Spain and has proven effective in improving police relations with Roma, producing more efficient policing activities and increased legitimacy and trust.

[46] See www.errc.org/cms-upload/file/roma-rights-1-2012-challenges-of-representation.pdf

[47] Council of Europe, Ad hoc Committee of Experts on Roma issues, "Overview on the recognition of the genocide of Roma and Sinti and on the officialisation of the date of 2 August as a commemoration day for the victims of World War II in Member States of the Council of Europe" (2013).

45. In Canada, in order to reduce discriminatory policing behaviours, in 2011–2012, training on Roma culture was delivered, as part of the Hate Can Kill project, to Ontario police, including information about the Roma Holocaust, the racially motivated violence experienced by Roma and the lack of trust in police authorities among Roma communities. In parallel, Roma families and young people were also educated on what constitutes a hate crime, on relevant legal instruments and on the importance of reporting hate crimes to the police. Following that training, in 2012 both the Toronto Police Force and the Hamilton Police Force recorded hate crimes reported by people of Roma identity.

B. Pillar 2: protection and promotion of minority identity by combating stereotypes and prejudice

46. In Hungary, the documentary film series "Mundi Romani – The World through Roma Eyes" is a co-production of the Romedia Foundation. Each episode presents a different aspect of Roma culture in locations in Europe, the Middle East, Asia and the Americas. The series provides insights into Roma culture and was nominated for and received a number of local and international prizes.

47. Tallinn University in Estonia is conducting a study on stereotypes of various nationalities in Estonian online media with the objective of mapping and analysing stereotypes of individual nationalities. Additionally, the exhibition "We, the Roma", which reviews Estonian Roma history, culture and everyday life, opened in October 2013 and has since toured the country and abroad. It was shown at the Estonian Embassy in Helsinki and will open in Budapest in 2015.[38]

48. The Council of Europe has launched an awareness-raising campaign entitled "Dosta!", which emphasizes the value of Roma for societies through an interactive website, on television, in school projects and training for the media and teachers. It also awards a prize to local authorities that have taken steps to uphold and protect the rights of Roma. The Government of Latvia informed the Special Rapporteur that, in order to implement the "Dosta!" campaign, its Ministry of Culture, together with the Latvian Centre for Human Rights, would organize an event entitled "Latvian Roma – between past and future" in April 2015 in Riga, aimed at eliminating negative stereotypes about Roma and promoting intercultural dialogue.[39]

49. Since 1991, the Museum of Romani Culture in Brno, the Czech Republic, has been dedicated to the history and culture of Roma. The aim is to educate the younger generation, to promote better appreciation and understanding of the roots of Roma identity and to fight xenophobia and racism.

50. The University of Texas is home to the first university Romani Studies programme, and has become the leading institution in the United States of America for studies on Romani history, language and culture. The programme provides scholarships to Roma for educational qualifications at any level and houses the Romani Archives and Documentation Center, the largest collection of Romani materials in the world.

51. In Brazil, 24 May was declared National Roma Day by Presidential Decree in 2006 and has been acknowledged by Roma communities as an important public recognition of the existence of the Brazilian Roma community.

[38] Response from Estonia to the questionnaire.
[39] Response from Latvia to the questionnaire.

C. Pillar 3: equality, non-discrimination and recognition of anti-Gypsyism

52. Although just a few decades ago Roma issues were almost absent from international discussions, the issue of discrimination against Roma, including anti-Gypsyism, has gained increasing visibility. The European Union has developed a Framework for National Roma Integration Strategies, and now holds an annual meeting of the European Platform for Roma. Its 2013 recommendation on effective Roma integration measures broke new ground, as the first European Union instrument targeted at combating discrimination and prejudice against Roma, including multiple forms of discrimination. In addition, there is an explicit commitment by the European Union to assist Turkey and the Western Balkans in developing and implementing long-term, sustainable programmes to address the situation of Roma, which is also an aspect of accession negotiations. Within the Council of Europe, a Special Representative for Roma Issues has been appointed.

53. In Spain, the ACCEDER programme has adopted a multidimensional approach to tackling discrimination against Roma by directly training Roma to increase their employability and by involving other actors essential to eliminating barriers for Roma to access the labour market, including the private sector, policymakers and society at large.

54. The National Institute to Combat Discrimination, Xenophobia and Racism (*Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo* – INADI) of the Government of Argentina coordinates the "Discrimination Map" project in collaboration with several universities. In 2013, the situation of the Roma was specifically addressed and Roma were found to be among the most discriminated groups in Argentina. One priority of INADI is establishing a dialogue with the Roma community in order to better understand their needs and challenges.[50] INADI also sponsored a book on Roma history, legends and traditions and the documentary film "Roma – Gelem, Gelem" in 2015 with the goal of introducing a shift at the cultural level to combat racism against Roma.

55. In order to address the underreporting by Roma of incidents of discrimination, the Portuguese equality body has developed an informal complaints procedure whereby complaints can be submitted on a website or sent by e-mail to any of the equality body council members or through Roma organizations. That method has proved an effective way of overcoming mistrust and has seen an increase in reports of discrimination filed by Roma.

56. The Finnish Ombudsman conducted a research study to identify the key issues facing Roma communities in Finland. The survey was a response to the identified lack of data on discrimination experienced by Roma. Better data is expected to enable national authorities to intervene more effectively in cases of discrimination experienced by Roma, to help them formulate concrete proposals for action to reduce the discrimination Roma face in various aspects of life, and to improve the position of Roma within society.[51]

57. In Colombia, Decree 2957 of 2010 was adopted to set up a legal framework for the protection of the rights of Roma in Colombia, recognizing collective rights for Roma people. The same year, the National Commission for Dialogue for Roma People (*Comisión Nacional de Diálogo para el Pueblo Rom*) was created to coordinate action between governments and local communities.

[50] Response from Argentina to the questionnaire.

[51] Response from Finland to the questionnaire.

D. Pillar 4: the right to effective participation

58. The European Union has recognized that participation of Roma individuals and communities cannot be reduced to occasional discussions, but must promote the empowerment and active involvement of Roma, including through supporting Roma NGOs to be effective.[52] The 2015 European Platform for Roma Inclusion provided an opportunity for participatory, interactive, operational-level discussions among all stakeholders, including Roma individuals and grassroots organizations.

59. Portugal has established the Project for Municipal Roma Mediators, providing intercultural training to 15 Roma mediators which led to their inclusion in 18 local municipalities. The objective was to provide Roma inclusion-related services, guaranteeing the establishment of close links between local services, organizations and local Roma communities.[53]

60. In Brazil in 2015, the Commission on Minorities and Human Rights of the Congress held a public hearing to discuss policies aimed at protecting the rights of the Roma ethnic minority in Brazil. In addition, the Secretariat for the Promotion of Social Equality recently organized a National Week on Roma. The initiative, which gathered over 300 Roma from different regions, members of civil society organizations and government representatives, facilitated discussions about challenges in relation to Roma access to health care, housing, education, social and culture programmes. The programme adopted a set of recommendations and launched a guide on public policies aimed at raising awareness of Roma rights in Brazil.

61. The Government of Colombia consulted with Roma communities in the context of drafting national development plans for the period 2014 to 2018 and committed to implementing strategies to increase Roma visibility, improve their quality of life and provide for improved access to their social, economic and cultural and political rights. In Argentina, a local Roma NGO has been successful in initiating dialogues between civil society and the State, which has proved to be key in promoting the visibility of Roma culture.[54]

62. In Bulgaria, under the "Thank you, Mayor!" campaign, a grass-roots organization invested in capacity-building initiatives for local Roma advocacy groups. The campaign mobilized local activists and stakeholders, empowering them to develop and implement, in partnership with local administrations, successful Roma inclusion strategies in 12 municipalities. The project demonstrates how inclusive dialogue between Roma communities and local municipalities and a bottom-up approach can produce concrete commitments from local administrations.

V. Challenges in the field of policy and programming on Roma rights: lessons learned

63. Despite a number of good initiatives that seek to address Roma disadvantage, Roma communities worldwide still face situations of extreme poverty and marginalization across a wide range of human rights indicators. In Europe, Roma still experience heightened levels of disadvantage and marginalization.[55] Outside Europe, the Special Rapporteur regrets that

[52] See http://ec.europa.eu/justice/discrimination/files/ec3089_en.pdf, para. 41.
[53] Response from Portugal to the questionnaire.
[54] Response from Argentina to the questionnaire.
[55] A 2014 European Union report found that "there has not been much effective progress in any of the

very little has been done to acknowledge the disadvantage experienced by Roma and few policies have been developed to address those concerns.

64. The Special Rapporteur thus believes it is necessary to reflect on the lessons learned, both globally and in particular from the European experience, to understand better why existing approaches have not managed to bring about structural change. Although she recognizes that every Roma community is unique, and there is no blanket approach that will accommodate every community, she believes that drawing some general lessons from real examples may be helpful for all regions looking forward.

A. Lack of accurate data

65. Worldwide, comprehensive data on the situation of Roma communities has never been collected. Even in Europe, where more robust efforts are made than elsewhere, research indicates that Roma populations remain undercounted. For example, discrepancies between official statistics and unofficial estimates of Roma populations across 12 countries in Europe range from 45 to 99 per cent.[36]

66. Outside Europe, there are major gaps with regard to identifying and understanding Roma identity. Many States still continue to deny the existence of Roma as a minority group within their populations, or consider them outsiders, migrants or foreigners.[37] When statistics do exist at the national level, they are often based on censuses, but many Roma do not disclose their identity in census surveys due to a lack of inclusion of the category of Roma as an identity within the census, a reluctance to identify as Roma for fear of being discriminated against, or a lack of options for indicating multiple identities.

67. Those discrepancies call into question how well States have developed procedures that allow the expression of Roma ethnicity in a way that best reflects personal identities and embraces the principle of self-identification. The Special Rapporteur therefore notes that it is essential that all States make an effort to provide meaningful and respectful ways to encourage Roma communities to self-identify in order to generate more accurate data on Roma communities worldwide.

68. The Special Rapporteur further notes that the lack of accurate data on Roma populations has important consequences and directly impacts the ability to develop policies and programmes that comprehensively address the issues faced by Roma groups. Disaggregated data allows inequalities to be revealed objectively and demonstrated statistically, and provides clear markers by which progress towards targets can be monitored and evaluated. The lack of accurate data in turn contributes to a lack of evidence-based programmes building on clear indicators. Indeed, a recent European Union report acknowledged the impact of the lack of disaggregated data for Roma programming.[38]

B. Lack of political will, including a reluctance to address anti-Gypsyism

69. Despite international standards prohibiting discrimination, stakeholders across the regions pointed to the absence of political will as a key factor explaining the insufficient implementation of those standards in the Roma context.

challenges identified". See http://ec.europa.eu/justice/discrimination/files/com_2009_2014_en.pdf.

[36] Open Society, "No Data No Progress" 2012, p. 29.

[37] See CERD/C/HUN/CO/20-22, para. 13.

[38] See www.romadecade.org/cms/upload/file/9765_file1_decade-intelligence-report.pdf, p. 6.

70. In the fight against anti-Gypsyism and discrimination, political will must be actively encouraged. While much has already been achieved at the international and regional levels, there is a gap at the national and local levels, which remain crucial for achieving meaningful change for communities. Unfortunately, action taken to address Roma disadvantage often still depends heavily on the personal commitment of the particular political leader in power. Such an approach does not institutionalize anti-discrimination as a political goal, but rather reduces it to a subjective choice dependent on the goodwill of individual political actors. Moreover, as Roma are a disenfranchised minority group, they will often have little political influence or negotiating power at the local level. If leaders commit to combating discrimination against Roma as a national priority, that will be one important way to provide local politicians with a political constituency to focus on Roma rights.

C. Lack of a multisectoral, human rights-centred approach in policy development

71. The marginalization experienced by Roma is often interconnected with disadvantage in the area of economic and social rights, often stemming from, or leading to, further impediments in civil and political rights and vice versa. However, the Special Rapporteur has observed a tendency of Roma programmes to focus on short-term, issue-specific projects that fail to adopt an integrated approach that addresses multisectoral disadvantage. Many measures and instruments focus exclusively on one policy area and are delivered through uncoordinated projects with insufficient connection to other, interconnected policies and funds. For example, housing programmes that tackle issues of adequacy, including ghettoization and segregation, that are not linked to employment opportunities will have little prospect for long-term sustainability. Comprehensive solutions should take account of intersecting discrimination that Roma face and ensure that programmes are developed in genuine consultation with affected communities.

72. There is also an unfortunate tendency to compartmentalize the so-called "Roma issue" into the category of poverty alleviation, and to view Roma issues through the exclusive lens of economic and social rights. This can lead States to focus solely on programmes that address questions of housing, health care, employment and education. While such projects are critical to overcoming key areas of Roma disadvantage, this narrow approach fails to incorporate an interconnected understanding of human rights and may also further entrench the perception of Roma as impoverished beneficiaries of social support rather than active rights holders. It also excludes other segments of Roma communities, including middle-class Roma who may want to focus on their rights to political and public participation or to culture.

73. The Special Rapporteur further observes that many policies and programmes fail to adequately incorporate combating racism and anti-Gypsyism in their programming goals. The Special Rapporteur reiterates that there are too many policies based exclusively on improving Roma access to material or social benefits, including educational and/or vocational training. Such policies, she warns, treat symptoms only and do not address the root causes of disadvantage, which lie within deep-seated discriminatory attitudes that have become entrenched over generations. She therefore emphasizes the need to better incorporate anti-discrimination as an overarching element in all strategies and programmes affecting Roma, including through outreach to non-Roma groups on non-discrimination and equal treatment.

D. Insufficient Roma participation

74. Most stakeholders consulted agree that the crucial issue of the political participation of Roma has been neglected by most policymakers and institutions across the regions. Despite numerous new programmes and the unprecedented achievements of Roma intellectuals, professionals and activists around the world, Roma remain largely underrepresented or unrepresented in local and national bodies, and remain peripheral in regional and international decision-making bodies, including in institutions explicitly established to protect and promote their rights.

75. Another concern expressed is the insufficient engagement of Roma communities in the design, delivery and monitoring of programmes and policies affecting them. Even in Europe, where efforts have been made to include Roma better, a recent evaluation showed that Roma participation is often reduced to consultations, and meaningful and effective participation remains a "distant objective".[59]

76. The Special Rapporteur observes that there are often underlying attitudes that contribute to the lack of focus on empowerment of Roma communities and organizations. They can be outright discriminatory attitudes, such as when decision-making authorities adopt the paternalistic attitude that they are better equipped to make decisions on behalf of Roma. However, there are also more subtle forms of bias, including the tendency to focus on Roma as passive victims of discrimination, which may have the effect of perpetuating erroneous assumptions about their inability to contribute to society. This in turn hampers the shift from a perception of Roma as primarily passive victims of discrimination to an acknowledgment of their role as active agents of transformation who can participate in policy decisions that affect them. The Special Rapporteur notes that effective, meaningful participation must be a transformative process that becomes an inclusive experience, facilitating Roma involvement, empowerment and active citizenship. Such a participatory approach must also guarantee that those whose voices are rarely heard are empowered, including Roma women and young people.

77. Roma organizations at the local level are often institutionally weak and often have few human and technical resources. As a result, they may lack the capacity to advocate effectively on issues that are important to them or they may not be able to liaise effectively and cooperate with other Roma organizations. These factors affect organizations' ability to find consistent, meaningful opportunities for engaging in policy design, implementation and monitoring. Efforts must be made to strengthen Roma rights organizations, not only through better funding and support, but also through scholarships and education initiatives to ensure that Roma young people are equipped with the necessary skills to become active advocates for their own communities.

E. Need for improved access to complaint mechanisms

78. In order to better address the discrimination Roma face, including anti-Gypsyism, there is a need for complaint mechanisms of which Roma are aware, to which they have access and in which they have confidence.

79. While the Special Rapporteur acknowledges that article 13 of the Racial Equality Directive requires European Union member States to establish a body responsible for the promotion of equal treatment, she regrets that research indicates that knowledge about and

[59] See www.romadecade.org/cms/upload/file/9765_file1_decade-intelligence-report.pdf, p. 6.

use of those mechanisms by Roma is limited.[60] Even at the international level, the Special Rapporteur receives few communications from Roma regarding their rights, and although there have been a number of high-profile Roma rights cases at the European Court of Human Rights,[61] there have been relatively few such cases when considered in relation to the significant disadvantages Roma in Europe face. Outside Europe, she has not received any information about Roma accessing complaints mechanisms to address their concerns.

80. In this vein, she insists that States must improve knowledge among Roma about their rights, including about discrimination, and their awareness of complaint mechanisms at both the national and international levels. States should also develop measures that enable Roma complainants to have easy access to such mechanisms. It is equally important that the recommendations of any such mechanisms be swiftly implemented in order to promote a sense of justice and faith in the processes concerned.

F. Limited recognition of history and lack of measures to address long-standing prejudices and racism

81. The dispossession of and discrimination against Roma over centuries has led to a situation of intergenerational disadvantage that has often engrained hopelessness in Roma individuals and communities. Across the regions, however, the Special Rapporteur observes that insufficient effort has been made to foster long-term durable intercultural dialogue or to develop initiatives that build trust and foster relationships of mutual respect.

82. The Special Rapporteur believes that much can be achieved through recognition of the cultural contributions of Roma. Positive initiatives in this regard include the promotion and celebration of Romani culture through national history statements, inclusion in school curricula, national days of celebration and the creation of museums and exhibitions. Furthermore, historical narratives are central to the identity of Roma communities, and a better understanding by the majority society of the richness of Roma culture is an essential demand of Roma communities in every region. Nevertheless, the history and contributions of Roma culture are rarely adequately acknowledged or properly promoted. Rather, what remain pervasive are biased, distorted stereotypes of Roma that contribute to a sense of alienation and exclusion, especially among young people.

83. The lack of recognition of the fate of the Roma under the Nazi regime is often referred to as the "forgotten Holocaust" and has been identified as a major obstacle to restoring dignity and respect for the human rights of Roma worldwide. Although 2 August is officially Roma Holocaust Remembrance Day, there is a need to continue to bring heightened public attention to ensuring that the Roma Holocaust becomes part of public consciousness.

G. Insufficient funding, and bureaucratic obstacles

84. The Special Rapporteur notes the importance of direct, efficient funding mechanisms for Roma organizations. However, even within the European Union, where significant funds are dedicated to addressing Roma disadvantage, challenges remain. Firstly, within the European Union, not all of the available funds for Roma are being spent or efficiently invested and the level of expenditure on this issue, especially by new member

[60] See http://fra.europa.eu/sites/default/files/fra_uploads/854-EU-MIDIS_RIGHTS_AWARENESS_EN.PDF, pp. 9–10.

[61] See www.echr.coe.int/Documents/FS_Roma_ENG.pdf.

States, is very small."[85] This results in many cases in funds being directed towards short-term projects that are incapable of achieving any long-term, sustainable impact, therefore reducing their positive impact on Roma communities.

85. Secondly, within the European Union, no monitoring mechanisms are in place to evaluate how much money is invested in projects that directly or indirectly benefit Roma people. The Special Rapporteur warns that without such accountability, there is the risk of contributing to the perception that in the European Union, too many economic resources are invested in Roma with few results, which in turn contributes to negative stereotypes about Roma.

86. Concerns have been raised about technical and substantial challenges facing Roma organizations in accessing European Union funding, including overly burdensome bureaucratic requirements, constantly changing rules and formalities and liquidity and cash flow issues. In addition, the level of expertise and the financial resources needed to implement European Union programmes are often too onerous for smaller grass-roots organizations. As a result, large funding sources are often absorbed by large non-Roma recipients and just a small percentage reaches Roma communities.

87. The Special Rapporteur regrets that there is a lack of official information on funding dedicated to measures to improve the situation of Roma communities outside Europe, indicating that they are unlikely to exist. The Special Rapporteur therefore calls on all Governments to dedicate sufficient funding to improving the situation of Roma.

VI. Conclusions and recommendations

88. **The Special Rapporteur takes note of efforts to fight anti-Roma discrimination and address Roma marginalization and disadvantage. However, while positive developments and good practices have been identified, her global study has revealed the deep-rooted problems of racism and extreme marginalization experienced by Roma worldwide, and has highlighted the ongoing invisibility of many of these communities' struggles. Her report has also exposed the underlying structural discrimination that Roma face, including the interrelation between anti-Gypsyism and the socioeconomic marginalization and political exclusion that Roma experience.**

89. **The Special Rapporteur welcomes the numerous recommendations of other human rights mechanisms targeting Roma, urges all States to take immediate steps towards implementing them, and adds the following recommendations.**

Steps to combat discrimination, anti-Gypsyism and exposure to violence

90. **States should implement fully the Declaration and other relevant regional and international human rights standards, including comprehensive anti-discrimination legislation that prohibits all forms of discrimination, and identify State agencies tasked with monitoring and combating discrimination.**

91. **States should pay particular attention to the ways in which memory and mourning processes related to the Roma Holocaust are framed, collected and disseminated, including through the media and formal and informal education systems. In this regard, she recalls the importance of including Roma in all such endeavours, including at all official ceremonies commemorating victims of the Second World War.**

[85] See http://europa.eu/rapid/press-release_MEMO-10-121_es.htm

92. States must ensure that authorities effectively and promptly investigate any crimes against Roma individuals and communities, including by investigating any alleged discriminatory motive behind the attacks. Police officers should refrain from using force during police operations, including in informal settlements, and all allegations of harassment or unlawful use of force by police should be thoroughly investigated.

93. States should take measures to monitor hate speech and incitement to violence against Roma, including in the media and social media, and respond appropriately, including by prosecuting perpetrators. States should collect data on hate crimes against Roma. Such data should include the reporting, investigation, prosecution and sentencing of the crimes. The data should be made publicly accessible, while respecting the right to privacy, in order to assist the development of policies to combat hate crimes against Roma.

94. Political parties should prohibit inflammatory, racist, anti-Roma rhetoric and ensure that public discourse does not perpetrate stereotypical, racist, hateful or discriminatory views about Roma. They should take effective action against such discourse.

95. The protection and promotion of the rights of Roma should be prioritized on the political agenda in order to demonstrate a serious political commitment to combating the causes and consequences of anti-Gypsyism and discrimination.

96. In order to address the root causes of anti-Gypsyism, the Special Rapporteur recommends that the history, culture and traditions of Roma, in particular the Nazi genocide, be taught in schools. Awareness-raising measures to inform non-Roma populations about Roma history, identity and culture should be integrated into all education efforts.

Guaranteeing the full enjoyment of the human rights of Roma: beyond the poverty approach

97. States must ensure that measures addressing the socioeconomic vulnerability of Roma are addressed not only through programmes addressing poverty and marginalization, but are part of a wider approach that tackles the widespread prejudice, discrimination and racist attitudes against Roma, including anti-Gypsyism.

98. The Special Rapporteur thus urges all relevant stakeholders to think outside the "poverty paradigm" and incorporate all aspects of minority rights into strategies that address Roma disadvantage, including the protection and promotion of Roma identity, language and culture and the guarantee of dignity and equality. Such programmes should guarantee that the specific needs of Roma women, as well as Roma with disabilities, lesbian, gay, bisexual, transgender and intersex persons, young people and older persons are heard and addressed.

99. There is a need for integrated approaches that combine measures in different policy areas, strengthen political will at the national and local levels in particular and build mutual trust and an openness to learn from past mistakes. Inclusion programmes should not be limited to material improvements; they should also contribute to the empowerment of both urban and rural Roma communities, strengthen dedicated institutional attention to Roma rights and encourage Roma leadership in order to break the vicious cycle of discrimination and marginalization. Such programmes should ensure that Roma groups most at risk of discrimination and/or social and economic exclusion are also targeted and empowered.

100. **Governments must ensure that sufficient funding is dedicated to improving the situation of Roma communities. Funds allocated at regional and national level, as well as other financial instruments, should be expended efficiently and directed to the local level.**

Effective Roma participation and representation at all levels of decision-making

101. **Creating conditions for the effective participation of Roma in all aspects of the life of the State, including in decision-making bodies, should be considered by States as an integral aspect of good governance and a key priority in efforts to ensure equality and non-discrimination.**

102. **Governments should ensure that Roma are represented at all levels of public institutions and bodies, including national parliaments, the civil service, the police and the judiciary. Where Roma leaders are visible, their work should be promoted and they should be supported to act as role models and raise awareness of Roma political participation.**

103. **National human rights institutions should put in place specific mechanisms to address Roma issues and recruit and retain Roma staff. They are encouraged to develop outreach programmes that increase Roma participation in political, economic, social and cultural life. They should ensure that Roma are both involved in and have access to their programmes, including complaint mechanisms, and ensure that materials are available in the Romani language.**

104. **Governments, the United Nations and its specialized agencies, and other international and regional organizations should mainstream Roma rights into all aspects of their programming and make efforts to include Roma within their staff.**

105. **Roma and pro-Roma civil society organizations play a crucial role in breaking down the barriers preventing the effective participation of Roma in all spheres of life. Stakeholders are encouraged to collaborate and support those organizations, including through providing adequate financial support.**

106. **Successful Roma-controlled programmes that address issues of health, education and other areas of concern in ways that are culturally appropriate and adapted to local needs should be supported and replicated.**

Role of the media

107. **Traditional and new media have the potential to promote intercultural dialogue between Roma and non-Roma communities. The media should promote non-stereotypical portrayals of Roma, including through providing greater visibility to Roma self-representation, history and culture.**

108. **The participation of Roma media professionals should be encouraged and programmes to train, recruit and support Roma media workers should be implemented. The media must guarantee that they do not contribute to or allow hate speech and incitement to hatred or violence.**

Data collection

109. **Data collection should be based on self-identification and take place in a sensitive manner, respecting privacy in accordance with international standards of data protection. Roma civil society, individuals and communities should be involved throughout the process, from designing data collection methods to collection and analysis of the data.**

Annexes

[English only]

Annex I

Questionnaire of the Special Rapporteur on minority issues to Member States

In answering the questions below, please consider that the term "Roma" "refers to Roma, Sinti, Kale and Travellers, and aims at covering the wide diversity of groups concerned, including groups that identify themselves as 'Gypsies'", in line with the definition provided by Human Rights Council resolution 26/4 (attached).

1. Please, provide specific information about the Roma communities living in your country. What is the estimated size of the Roma population? Are Roma communities concentrated in certain parts of the country? Please attach any relevant data.

2. Does your State collect socio-economic data such as poverty and unemployment rates, healthcare data, living conditions, educational levels, income levels or rates of economic participation disaggregated by different population groups, including Roma? What does such data reveal in regard to the situation of Roma? Please, attach relevant data if available. In the absence of such data what is the source of information your State relies upon to develop various measures and programmes for Roma inclusion?

3. Is there any ongoing national policy/strategy/action plan to ensure Roma inclusion in the political, social, economic and cultural life of your country? If so, please explain how these measures are developed, designed, implemented, monitored and evaluated in consultation with, and with the effective participation of Roma, including Roma women. If your State has already reported on similar issues to other international or regional organisations, please share existing relevant reports and/or documentation.

4. How strategies or policy measures for inclusion take into systematic consideration the specific conditions, situations and needs of Roma women, including in the areas of access to adequate education, healthcare and reproductive rights? Please attach the most relevant information including, if applicable, specific measures taken to combat segregation and/or multiple and intersecting forms of discrimination faced by Roma women, as well as the main measurable achievements in these areas.

5. Is there any available information and data about violence against Roma population, especially women and children? If yes, what are the different forms of violence they experience and what measures have been taken to assist, protect, and compensate the victims?

6. Has your Government identified the main priority areas for Roma inclusion? If yes, what are the main goals? Please provide relevant details in this respect, as well as an estimate of funds allocated on measures relating to national strategies and policies for Roma inclusion.

7. Does your Government monitor progress made in the area of Roma inclusion in the political, social, economic and culture life of the State? If so, what are the visible and measurable achievements of various efforts undertaken for Roma inclusion? Please provide details.

8. In the Government's view, if there are still persistent disparities among Roma and other population groups, what were the failures and what are the ongoing challenges to close the gap and achieve full inclusion of Roma? In which areas is there the biggest need to step up efforts?

9. Is Roma history and culture part of the national curriculum? Is the International Roma Day celebrated and if yes, how?

10. What channels for articulating, aggregating, and representing the interests of Roma, including through body/institution/unit or other establishments do exist in your country? If applicable, please indicate how such initiatives include staff or representatives from Roma communities.

Please provide any additional information relevant to Roma population that may be informative to the work of the Special Rapporteur on minority issues and the OHCHR

Annex II

Member States that responded to the questionnaire

Albania,* Argentina,* Belarus,* Bosnia and Herzegovina,* Cyprus, Ecuador,* Estonia, Georgia,* Germany,* Greece, Guatemala,* Hungary,* Ireland,* Kuwait,* Latvia,* Mauritania,* Montenegro, Portugal, Saudi Arabia, Serbia, Slovenia, Spain, United Kingdom, Uzbekistan.*

* Questionnaire received after deadline

Annex III

Questionnaire of the Special Rapporteur to national human rights institutions

1. Does your National Institution undertake work specifically relating to the promotion and protection of the rights of Roma? What particular activities relating to Roma is your National Institution involved in? Does your Institution have any strategic or action plan to address Roma issues?

2. Does your National Institution have a unit that deals with minority rights with sufficient dedicated expertise on Roma issues, or a focal point for Roma issues? Does your National Institution include staff members from Roma communities? Please provide details.

3. Does your National Institution monitor violations of the human rights of Roma and provide advice to the Government on compliance with national, regional and international human rights instruments? If so, please give concrete examples.

4. Does your staff receive training on how to counter racism and intolerance, discrimination, social exclusion and/or marginalization of Roma? Please share all relevant details and documentation.

5. Does your National Institution consider complaints and petitions concerning individual situations and, if so, does it assist Roma in gaining access to effective redress for human rights violation? Please provide details and examples.

6. In what ways are the views and opinions of the Roma communities taken into account in your work, and how are Roma able to participate in relevant aspects of your work, including through public consultations or seminars?

7. Does your National Institution apply a gender perspective throughout its activities? In the affirmative, how does it ensure the effective participation of Roma women to its work? Please give concrete examples.

8. Have your National Institution conducted surveys or collected disaggregated data relating to national or ethnic, religious or linguistic minorities, or otherwise produced reports concerning the Roma population? If so, please attach relevant documents.

Please provide any additional information relevant to Roma population that may be informative to the work of the Special Rapporteur on minority issues and the OHCHR.

Annex IV

National human rights institutions that responded to the questionnaire

Interfederal Centre for Equal Opportunities, Belgium; Office of the Ombudswoman, Croatia; The Danish Institute for Human Rights*, The Finnish Human Rights Centre; Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg; Malawi Human Rights Commission; The People's Advocate Institution, Romania*; the Slovak National Centre for Human Rights; The Equality and Human Rights Commission, United Kingdom

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* Questionnaire received after deadline